

Pryamitsyn V. Prospects for the development of judicial protection of the right to higher education

The article investigates judicial protection of the right to higher education. The basic ways of judicial protection of the right to higher education are described, prospects of application of constitutional justice and appeals of the ECtHR as a way of protecting the right to higher education are revealed. The role of the constitutional complaint as a national mechanism for effective protection of the right to higher education is researched.

The court can claim the protection of any violated right since its jurisdiction extends to all legal relations that arise in the state. The object of judicial protection is the right to higher education. Analysis of the state of implementation of disputes over the implementation of state policy in the field of higher education indicates a small percentage of such cases.

Although the judicial protection of the right to higher education by the courts of general jurisdiction is definitely important, in our opinion, it is the judicial protection of the human right to higher education by the Constitutional Court of Ukraine, which makes it possible to ensure the realization of this right in Ukraine.

The reality of the right to higher education can be spoken only if this right is guaranteed by the state in full, beginning with the adoption of a legal law (which reflects the will of the people) and the protection of the right to higher education from violations, including from violation of the right to higher education in the event of non-adoption of unlawful laws by the parliament, with the help of a legal institution of a constitutional complaint.

The main problem of judicial protection of the human right to higher education is the legal ignorance of applicants for higher education, disbelief in the judicial system of Ukraine, as well as material and educational inability to ensure effective judicial protection of their rights.

Key words: right to higher education, constitutional complaint, Constitutional Court of Ukraine